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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yoshiyuki Ito

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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,370

Applicant(s)

ITO, YOSHIYUKI

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance: See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. The Amendment filed on August 9, 2006 has been received and entered. Claims 3-7 have been cancelled. Claims 9-10 have been newly added. Therefore, claims 1-2, and 8-10 and are now pending.
2. Applicant's Amendment has overcome the previous claim objections, and rejections under 35 USC 101, and 112, second paragraph.

Claim Objections

3. Claims 1, 8, and 10 are objected to because of the following informalities:

Claim 1, recite the intended use of "for extracting information from a database" without setting forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass.

There doesn't appear to be a nexus between the preamble and the body of the claim in order to realize its intended use of "extracting information".

The recitation of "for" is intended use making the limitations following never actually having to take place thus not given any patentable weight.

The recitation of "format" in claim 1, line 9 appears to be misspelled. Correction is required.

Dependent claim 8, should start with "The method as recited" not "A method" which indicated an new instance of the method thus lacks antecedent basis. Correction is required.

In claim 10, line 2, the recitation of "a server retrieve" appears to be missing a preposition (i.e. "to retrieve" or "that retrieves"). Correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, line 3, recite "are selected" without any prior mention or indication to any selection taking place. It is unclear how/ what elements of the invention provided the functionality of the "selecting" and later on the "linking" to what end do they tie-back the remaining claims? Clarification is required.

Claim 8, line 2 recite "stores XML tags in tables" then later on in line 3 recite "independent tables" which is now confusing as to how many tables are being referenced and

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what constitute "independent table"; what are they used for? Are they different from the XML tables? Do both tables sets exist in the conversion database? Clarification is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2, and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Monday (U.S. Patent No. 6,480,860 B1).

As to claim 1, Monday discloses an information extraction system, connected via a network for extracting information from a database, comprising:

user terminal executing a browser sending a request to retrieve data via the network (See column 8, lines 3-5); and

a server executing application software, installed via the network, processing the request from the browser and XML processing called up from the application software, receiving the request from the application software, converting the request into an XML format requesting data retrieval from the database (See column 7, lines 47-67), transferring the request to the XML format to the database and returning results of the request from the database to the browser via the application software (See column 8, lines 29-46).

As to claim 2, Monday discloses wherein a plurality of requests related to the request in the XML format that are selected, are linked (See column 9, lines 56-67).

As to claim 8, Monday discloses wherein the conversion database stores XML tags in tables, including at least one table indicating at least one relationship between data in independent tables by defining at least one relationship between the XML tags in the independent tables (See column 7, lines 28-40, and see column 8, lines 56-67, wherein “standalone” are “independent tables” carrying different type of data).

As to claim 9, Monday discloses a computer-readable storage medium on which is recorded instructions that when executed control at least one server to perform a process comprising:

receiving a request from a user terminal to retrieve data from an information database accessible by the at least one server (See column 7, lines 24-40);

converting the request into an extensible markup language format by executing a function called up from application software and referencing a conversion database (See column 6, lines 56-58, also see column 7, lines 24-40, also see column 7, lines 47-60);

extracting information corresponding to the request from the information database after said converting (See column 7, lines 24-40, also see column 8, lines 11-21); and

returning results of said extracting in the extensible markup language format from the function to the application software (See column 7, lines 61-67).

As to claim 10, Monday discloses a method for extracting information from a database, comprising:

transmitting a data request from a user terminal to a server retrieve data from an information database accessible by the server (See column 7, lines 24-40);

converting the data request into an extensible markup language request by executing on the server a function called up from application software and referring to a conversion database (See column 7, lines 24-40, also see column 7, lines 47-60);

extracting information corresponding to the request from the information database after said converting (See column 7, lines 24-40, also see column 8, lines 11-21); and

returning results of said extracting in the extensible markup language format from the function to the application software (See column 7, lines 61-67).

Response to Arguments

8. Applicant's arguments with respect to claims 1-2, and 8-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-Form 892 for list of Cited references.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neveen Abel-Jalil
October 30, 2006



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